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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,353	11/23/2005	Steven M Kowalski	209546-99679	6090

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EXAMINER

MORROW, JASON S

ART UNIT PAPER NUMBER

3612

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/558,353

Applicant(s)

KOWALSKI ET AL.

Examiner

Jason S. Morrow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-25 and 30 is/are rejected.
- 7) ☒ Claim(s) 26-29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/23/05</u> | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 12, 14, 20, 23, and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The mechanism for automatically moving the hook assembly in response to movement of the door is not disclosed.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12-14 and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "the liftgate assembly" in line 2. There is insufficient antecedent basis for this limitation in the claim. Since claim 10 only claims the liftgate in the alternative, it should be positively claimed in claim 12.

Claim 17 recites the limitation "said first position" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 10-16, 20-25, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Leach (US Patent 2,609,104).

Re claim 10, Leach discloses a closure panel assembly for a vehicle, comprising a closure panel (10) selected from the group consisting of a door assembly and a liftgate assembly capable of movement between an open position and a closed position, and a garment hook assembly (see figure 1) mounted to said closure panel, wherein when said closure panel is closed, said garment hook is presented to an interior space of the vehicle.

Re claim 11, the garment hook assembly is pivotally mounted (by 11) to an inner panel of said closure panel for movement between a first position and a second position (when the window is liftgate for a vehicle the hook will pivot down when the liftgate is in the up position).

Re claim 12, the closure panel comprises the liftgate assembly of the vehicle (it is inherent to the invention that the hook assembly can be used with a liftgate having a retractably window), and wherein movement of the liftgate assembly from said closed position to said open position causes said garment hook assembly to move from a first position to a second position.

Re claim 13, the garment hook assembly is pivotally mounted (by 11) to said closure panel.

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Re claim 14, the garment hook assembly is automatically moved from said first position to said second position (when mounted to a liftgate, the hook will automatically pivot by the force of gravity).

Re claim 15, the garment hook assembly comprises a hook portion (15) and a base portion (11).

Re claim 16, the hook assembly is capable of retaining garments when said garment hook assembly is positioned in either said first position or said second position (the invention is capable of operating according to the functional language).

Re claim 20, movement of said closure panel from the closed position to the open position moves at least a portion of said garment hook assembly from an interior of the vehicle to an exterior of the vehicle (when mounted to a liftgate, the hook will operate according to the claim language).

Re claim 21, Leach discloses a vehicle having an interior portion, said assembly comprising a panel (10) adapted to move between an open position and a closed position, and adapted to close out a vehicular opening in the closed position, and a hook (15) assembly attached to said panel wherein when said panel is closed, said hook assembly is presented to the interior portion of the vehicle.

Re claim 22, the hook assembly is adapted to pivot between first and second positions (when mounted to a liftgate window, the hook will automatically pivot by the force of gravity).

Re claim 23, the hook assembly is adapted to move between said first and second positions based on movement of said panel (when mounted to a liftgate window, the hook will automatically pivot by the force of gravity).

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Re claim 24, said hook assembly is adapted to pivot between said first and second positions based on movement of said panel (when mounted to a liftgate window, the hook will automatically pivot by the force of gravity).

Re claim 25, said panel includes an inner panel (it is inherent that the hook can be used with vehicle doors having both inner and outer panels, which is a typical door construction).

***Allowable Subject Matter***

7. Claims 26-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 17-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. West, Fisher et al, Brandt et al., Bivens et al., Gordon, Takemura et al., Watjer et al., Spagnuolo et al., Karner, Dowd et al., and Inari et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (571) 272-6663.

The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 1, 2006

Jason S. Morrow  
Primary Examiner  
Art Unit 3612

  
JASON MORROW  
PRIMARY PATENT EXAMINER

10/1/06